

RS BOARD MINUTES

2/1/05

Called Board Meeting

The called meeting of the North Carolina Board of Sanitarian Examiners was held on Tuesday, February 1, 2005 at the Wake County Office Building, Room 637, 336 Fayetteville Street Mall, Raleigh, NC. Those in attendance were Nilla Sloop, Malcolm Blalock, Ann Gilstrap, Terry Pierce, Dr. Burton Ogle, Tim Green, Sheila Nichols, Perry Solice, Mack Dendy and Camille Bishop. John Barkley, from the Attorney General's office was also in attendance.

Call To Order – Nilla Sloop, Chairman, called the meeting to order at 10:16 AM.

Conflict of Interest Statement – Nilla Sloop asked Board Members if there were any conflicts of interest or potential conflicts of interest outside of what has already been disclosed in the annual Statement of Economic Interest form. There were no conflicts of interest stated.

Approval of the October 28, 2004 Minutes

Nilla Sloop asked that a change be made on Page 2 of the Minutes to change “ Mr. Ogle” to “Dr. Ogle”.

Board Action: A motion was made by Malcolm Blalock and seconded by Mack Dendy to approve the October 28, 2004 Minutes with the change submitted by Nilla Sloop. All votes affirmative.

Approval of the October 28, 2004 Closed Minutes

Board Action: A motion was made by Mack Dendy, seconded by Malcolm Blalock to approve the Closed Minutes of October 28, 2005. All votes affirmative.

Approval of the Financial Quarterly Report – October – December 2004.

Ms. Bishop presented the Quarterly Report. Balance as of December 2004 – Checking – \$26,289 and the STIF Account - \$48,302. As of February 1, 2005 the RS Board Account was transferred to the State Employees Credit Union. \$10,000 was transferred to the Checking Account and \$21,114.37 to the Share Account for a total of \$31,114.37. As of February 1, 2005, the balance in Checking is \$10,876.55, Savings is \$21,139.38 and the STIF account \$48,302.00 for a Grand Total of \$80,317.93. In this same time period of 2004, the Total Balance was \$83,131.91. Ms. Bishop also presented a comparison report on the RS Renewals from 2004 and 2005.

A recommendation was made by Malcolm Blalock that we move the Share Account to a Money Market account because of the higher rate of interest. It was the consensus of the Board to move the share account money to the Money Market account.

Board Action: A motion was made by Mack Dendy, seconded by Perry Solice to approve the Financial Reports. All votes affirmative.

Chair's Report - Nilla Sloop

Election of Officers

Ms. Sloop brought to the Board's attention that we needed to have an election of officers for 2005. She discussed having the Nominating Committee meet and bring forth a recommendation for a slate of officers. She then asked the Nominating Committee if they were willing to do this. Tim Green asked Ms. Sloop if she was willing to serve in her present position as Chairman for another year. Ms. Sloop replied that she would accept the position if this is what the Board desired. The other current officers were also asked if they were willing to stay in their elected office another year and they all replied in the affirmative. Ms. Sloop reminded the Board that the Nominating Committee will need to meet in the Fall of this year to select a Slate of Officers for 2006.

Board Action: A motion was made by Malcolm Blalock, seconded by Tim Green for the current officers to remain in their positions another year. All votes affirmative.

Dickson E. Sese – Ms. Sloop announced that she will need to follow-up on a letter to Dickson Sese regarding reciprocity. Mr. Blalock provided Ms. Sloop a copy of Dickson Sese's letter to the Board.

Public Health Law Issue - Matt Deaton had informed Ms. Sloop in a letter dated December 9, 2004 that he has not completed the Public Health Law course as required to maintain his license and gave reasons why he had not completed the course. (Letter attached to the Minutes). Mr. Deaton's employment date was January 3, 2001. He would have had to complete the Public Health Law Course by January 3, 2005. He is enrolled to take the Public Health Law Course on May 25-27, 2005. Ms. Sloop had discussed earlier with John Barkley that the Board should send a notice of "Intent to Suspend" at this meeting and schedule the hearing at a meeting after the May 25th date. In either case Mr. Deaton would have to provide proof that he has taken the Public Health Law Course.

In discussion, Ms Gilstrap did bring to the Board's attention that we need to be fair and consistent in handling all such cases. It was felt by several other Board Members and John Barkley that situations like this should be handled on a case-by-case basis.

Board Action: A motion was made by Malcolm Blalock that the Board give notice of Intent to Suspend registration for Matt Deaton, and that a hearing date be set for the first meeting following the next offering of the Environmental Health Law Course. All votes affirmative. (Letter from Matt Deaton dated December 9, 2004 attached to the minutes.)

Tim Green's Retirement & Appointment of a Health Director Position to the Board

Ms. Sloop brought to the Board's attention that with Tim Green's retirement, a replacement will be needed in the near future. The Environmental Health Section is responsible for submitting names to the Governor's office. Mack Dendy, Nilla Sloop, Ann Gilstrap and Shelia Nichols' terms also end in December 2005. All can be reappointed with the exception of Mack Dendy who has served two terms. Ms. Sloop will inform the Environmental Health Section Chair of this situation.

Vice-Chair Report – Terry Pierce

Web Page – Mr. Pierce stated that there is still a need to follow up on the common database for RS Board, C.I.T. and authorization people. Mr. Pierce will try to arrange a meeting with Andre Pierce, Rodney Long, Malcolm Blalock and himself to discuss this issue. Mr. Pierce would bring back to the Board for discussion.

Secretary/Treasurer Report – Ann Gilstrap

Moving money from the Share Account (Savings) at State Employees Credit Union to a Money Market Account.

Board Action: A motion was made by Ann Gilstrap, seconded by Malcolm Blalock to move all but \$25 from the Share Account to a Money Market Account. All votes affirmative.

Purchase of Printer/Copier/Scanner - Ms. Bishop has purchased a Printer/Copier Scanner for \$217.00. (She did receive a \$50.00 rebate back on the purchase of the copier.)

Laptop Computer/ Software – Ms. Gilstrap feels there is a great need and important for the Board to own a laptop to keep the data base and other important documentation on. Mr. Blalock reported that he had looked at several different laptops. He plans to get Andre Pierce, Nilla Sloop and himself together to look at equipment and prices. Dr. Burton Ogle made a suggestion regarding a laptop he had just recently purchased from Staples which has a 64 MB processor. Hewlett Packard now has one for \$1,000. Dr. Ogle will send Malcolm Blalock specifications/information.

Quicken Books – Ms. Gilstrap feels the Board needs to purchase this software for the financial bookkeeping. The Auditor has recommended this software.

Malcolm Blalock to follow up with a proposed budget for laptop computer and software expense.

2005 Annual Budget Proposal - Ms. Gilstrap reviewed the changes in the Proposed 2005 Annual Budget. The proposed budget is not a balanced budget, but is consistent with what the auditor has published over the last couple of years stating that we are spending more than we are taking in. (This is why we have made some adjustments in the proposed laws and rules to try and take in a little more money.) Ms. Gilstrap feels we need to look at our expenses and see if there are ways to reduce costs. The Board discussed. The interest needs to be deducted from income. We also need to look at balancing the budget. Mr. Blalock commented that we need \$5,120 to balance the budget and it should come from the fund balance – this could be STIF and/or Money Market accounts. He feels we should pull funds out of the Money Market first. After some discussion by Board Members regarding balancing the budget, Ms. Gilstrap commented that she will make the balance transfer as income. There were several other suggestions made. Ms. Gilstrap will revise the proposed 2005 budget and distribute back to Board Members at the next meeting.

Please Note: We are not raising fees for Renewal Registration. Ms. Gilstrap has received several questions regarding this issue.

Secretary to the Board's Report – Camille Bishop

- . The 2005 Directory has been placed on the Website
- . The County Classified Directory will be posted next week.
- . 2005 Renewal Cards were sent out.
- . Ms. Bishop distributed a list of 47 RS's/Interns who did not renew for 2005.
- . The Board's auditor, Shelton Hawley's contract will need to be renewed - Ms. Bishop will contact him .

Old Business

Legislative Committee – Ann Gilstrap – Ms. Gilstrap reported that comments on the proposed rules are going mostly well with the exception of a few negative comments and some general corrections. Proposed changes were reviewed with the supervisors' meeting and were well received with some good comments from them and others. Ms. Gilstrap will send out one more notice to the List Serve to please make any more comments. She plans to have one more committee meeting and will send any adjustments out electronically to the Board for review.

Reciprocity – Malcolm Blalock

Mr. Blalock reported that the Education Committee had meet to discuss this issue. He reviewed some of the proposals and direction regarding reciprocity.

- . Deleting the section in the law that deals with Reciprocity – “but not lower than those required by this article.”
- . The requirements we plan to require for status in North Carolina are:
 - (1) We get a statement from the Board in which the sanitarian is registered, stating that they are in “good standing” with that Board.
 - (2) The sanitarian must have passed a nationally recognized exam, i.e. PES or NEHA or if there is another nationally recognized exam, we would accept that exam.
 - (3) The sanitarian must have at least 2 years of experience in environmental health.
 - (4) The sanitarian must have at least 30 hours of physical or biological sciences.

The rational for these recommendations is that if the sanitarian could basically meet these requirements before coming to North Carolina, and are registered somewhere else, it would probably be safe to let them be registered with North Carolina.

Mr. Blalock reviewed a couple of areas which would be excluded if the above were set as requirements–

- (1) Persons who do not have the 30 semester hours of science as required by our state, and
 - (2) The State of California has their own exam – these sanitarians would not be allowed to register in our state unless they take the NEHA exam and then meet our requirements.
- Mr. Blalock asked if there were any opposition in going in this direction. This would “open the door” more regarding reciprocity in North Carolina. Terry Pierce noted that we had discussed deleting the term “reciprocity”, because this is not true reciprocity. Mr. Blalock stated he would work on some more wording on this and bring back to the Board. The Board and Mr. Barkley discussed some more areas regarding reciprocity. Mr. Barkley feels you can still take the term “reciprocity” out and it would solve some of the problems for those people who do view it as “If I am

licensed anywhere, I get to come here.” This clarifies that there are some conditions the sanitarian would have to meet. Mr. Blalock pointed out that what would be different for registered sanitarians out of state is that they would not have taken the oral or essay exams. Under the proposal, they would not have to take these two exams since they would have had two years of practice and would have been authorized in their state. Other discussion followed by Board Members. Mr. Blalock will circulate the wording to Board Members for any comments or changes.

Mr. Pierce commented that there is another area to keep in mind is how this affects registered sanitarians in this state, wanting registration when they want to come back, i.e. that we make it harder for these folks if they want to be registered again as compared to registered sanitarians outside of North Carolina. Mr. Dendy stated that we are not accepting registration outside of our state if their license has lapsed. Mr. Blalock reminded the Board of “fast tracking” for those sanitarians who want to come back and have the experience.

Rule Making/Law Making – Ann Gilstrap reported that this is a full-time job. The biggest issue is cleaning the laws up and getting them into the proper format to present to the legislature. The legislative session has started. At present, we do not have a sponsor. Ms. Gilstrap has made a few contacts. She asked the Board for some help in this area for some good contacts. Some other people to call would be Chris Hoke and Deborah Rowe. John Barkley commented that he thinks the deadline is probably some time in April to get proposed changes in. Ms. Gilstrap stated that the final draft of the proposed changes are almost finished. She will send back out to Board Members for review. Ms. Gilstrap will try to make some more contacts in the legislature and asked Board Members to also make any contacts they could.

Pending Hearings- Nilla Sloop/John Barkley

Mr. Barkley stated that the Warren County case has been turned over to Ms. Bert Fields, in the Attorney General’s office. Mr. Barkley reminded the Board that we have three outstanding cases – Gerald Strickland, Fred Smith and Marshall Brothers and the Board should not be discussing these with anybody including Board Members and people on the outside.

Mr. Barkley commented that in talking with other colleagues that represent other Boards that deal with settlement of cases, that if there is a proposed settlement, persons who were designated to investigate the case, are given the authority to enter into a settlement agreement. Mr. Barkley feels this is a good way to handle this. If it comes before the whole Board, you may have the problem of being biased and getting some information you shouldn’t. Mr. Barkley recommended that the Board delegate authority to the investigators in these pending cases to make the determination in settlement of the cases. In the Fred Smith/Marshall Brothers case, the investigators would be Malcolm Blalock and Perry Solice to make the determination. In the Gerald Strickland case, it would be determined by Tim Green and Sheila Nichols. The attorneys that are handling the cases would work with the investigators on these cases. Mr. Barkley commented that there is already a proposed settlement in one of these cases.

The Board discussed this matter at length. The investigators who make the determination in the cases would come back and report to the Board after the settlement has occurred. There would be reasons stated as to why they made the decision. Mr. Barkley commented that in doing it this way the Board does have better protection than if the full Board makes the decision. He feels the better process is to delegate the decisions to the investigative team. In doing it this way, the Board would not have to go through an expense and trauma of a full hearing. If the investigative team decide that it is not reasonable to come to an agreement, then the Board would go through a hearing. You are basically giving your proxy to the investigative team. Mr. Blalock stated that we should always have two people on an Investigation team.

Ms. Gilstrap asked how this procedure differs from what we are doing now with administrative hearings. Mr. Barkley commented that the process we are using now is that any action taken is taken by the full Board. Delegating the authority is permissible under the current statutes. The Board would still have to determine the basis for giving notice of a hearing. After the notice has gone out and during the hearing process, this is when the investigators and the attorney would negotiate the settlement (consent agreement). In most cases, the defendant’s attorney would be approaching us with the consent agreement.

More discussion followed by Board Members. Ms. Sloop asked if the investigative team's report to the Board should be recorded in the Minutes? Mr. Barkley responded that "yes" it should be reflected in the minutes, as it is a Board action. Also, there would always be a written agreement.

Ms. Sloop feels this is the right direction to go. The investigative team would know more of the details about the case. Mr. Blalock asked Mr. Barkley if the Board could have some general guidelines or "deal breakers" or things you would not give up, etc. Mr. Barkley commented that this could be arranged.

More discussion followed regarding the responsibility of the investigative teams and other issues involved if making this decision of delegating authority for consent agreements. Mr. Barkley commented that you can already do this without it being in the current rules, but would advise putting this into the rules under the hearing process in investigation of hearings so it would be clear.

Mr. Barkley also stated that if there is a settlement entered into, under the current guidelines of the Board, that the Board would go into closed session to discuss the basis for the agreement.

Board Action: A motion was made by Mack Dendy, seconded by Dr. Burton Ogle that the Board delegate the authority for decisions on settlements or consent orders to the Investigative Team in charge of the investigation.

Discussion followed regarding the responsibility of doing this and other issues. Mr. Barkley reminded that the investigative team would have legal council provided to them. Mr. Barkley feels this would be better protection for the Board when the cases go up for appeal.

Board Action: A motion was made by Terry Pierce, seconded by Ann Gilstrap, to amend the motion that we delegate authority only to the existing cases we have now and decide how we will handle other cases in the future. All votes affirmative.

Board Action on the Amended Motion: All votes affirmative.

Closed Session

Board Action: A motion was made by Terry Pierce, seconded by Malcolm Blalock to go into Closed Session to discuss pending hearings. All votes affirmative.

Open Session

Formal Vote on Intern & RS Status Requests since the October 28, 2004 Meeting

Camille Bishop presented a list of interns who were approved for RS Status after the October 28, 2004 meeting. The RS's listed are: A. Aric Ashby, Aaron Eubanks, Eric F. Green, Zachary J. Petersen, Joseph Heath Slade, E. Lucas Sears, Purcell Locklear and Thomas Whaley.

Board Action: A motion was made by Malcolm Blalock, seconded by Perry Solice to approve the RS status list. All votes affirmative.

Open Meetings. The Board and John Barkley discussed. Approving test scores and approving applicants and RS status was discussed. Mr. Barkley commented that you probably could approve test scores electronically, but to approve other information, i.e. RS status, you would need to meet or set up a conference call. Also discussed was how to bring in the public on a conference call. A conference call would also have to be advertised to the public. Conference calls could also be posted on our Website. Ms. Bishop brought up the fact that when it is a problem is right after the exam is completed. If an intern passes the exam and then he/she has to wait several months to be notified for RS status. It was suggested by Mack Dendy/ Malcolm Blalock to set up a scheduled conference call time perhaps 4 to 5 weeks after the exam and/or meeting. Ms Sloop commented that we could also bring up any meeting issues that needed to be resolved on a conference call rather than having to meet. Malcolm Blalock asked if the Board should cover the entire conference call expense for the Board and the public. It was the consensus of the Board to let the public pay their part and the Board would pay the expenses for Board .

Mack Dendy asked again if the Board needs to approve the Exam scores. Malcolm Blalock feels that we would not have to approve the scores. What we do approve is if they have met all the requirements of registration; including the exam, experience, etc. No definite determination was made.

New Business

C.I.T. Committee – Sheila Nichols reported that the CIT Committee will meet tomorrow.

S.O.P Committee – Terry Pierce reported that the Board is inconsistently approving some areas of continuing education, i.e. district meeting, updates on rules, etc. We are also accepting SOP workshops for lead, but don't accept for others – an issue that needs to be addressed. Next Meeting – March 3. Ann Gilstrap will not be able to go to this meeting. Mack Dendy will attend this meeting for Ms. Gilstrap.

Continuing Education Requests for February 1, 2005

<u>Training/Meeting</u>	<u>Location</u>		<u>Dates</u>	<u>CE Hrs.</u>
	Greenville	I	01/07/05 01/07/05	4.00
1. Northeastern Dist. Quarterly Meeting				
2. Role of PH in Anuclear/Radiological Terrorist Incident	PHTIN Sites	S	02/03/05 02/03/05	1.00
3. N C 2005 GIS Conference	W-Salem	I	03/03/05 03/05/05	9.00
4. Clean Marina Workshop	Wilmington	\	01/20/05 01/20/05	4.50
5. Incident Command System for Public Health	Raleigh	I	01/04/05 01/04/05	4.25
6. Shellfish Plant Sanitation (FD 140A)	VA B., VA	\	01/13/05 01/13/05	15.00
7. Mid-Atlantic Mosquito Control Assoc. Annual Conf.	Charlotte	I	02/16/05 02/18/05	9.50
8. Cultural Competency	On-Line	I	anytime anytime	0.50
9. Incident Command Systems for Public Health	On-Line	I	anytime anytime	0.50
10. Surveillance Systems ; Using & Presenting Surveillance	On-Line	I	anytime anytime	1.00
11. Introduction to Communicable Disease Law: Part 1	On-Line	I	anytime anytime	0.50
12. Introduction to Communicable Disease Law: Part 2	On-Line	I	anytime anytime	1.00
13. Recognition & Management of Bioterrorist Agents	On-Line	I	anytime anytime	0.50
14. Chemical Terrorism: Intro & Classification	On-Line	I	anytime anytime	0.50
15. Food Safety: From the Surface UP	MB, SC	I	02/23/05 02/25/05	11.75
16. Central NC Environmental Helth Supv. Assoc.	Asheboro	I	02/04/05 02/04/05	3.00
17. PH Response to Clandestine Methamphetamine Lab.	Greenville	\	02/03/05 02/03/05	3.00
PH Response to Clandestine Methamphetamine Lab.	Greensboro	\	02/10/05 02/10/05	3.00
PH Response to Clandestine Methamphetamine Lab.	Asheville	\	02/11/05 02/11/05	3.00
18. FDA Food Code	Satellite		04/04/05 04/05/05	14.25
19. Swimming Pool Spa Operators Course/The Pool Proff.	1 day -		Dates listed on the Web	6.25
Swimming Pool Spa Operators Course/The Pool Proff	2 day		Dates listed on the Web	12.50
(All dates will be listed & locations will be posted on the Website)				
20. Smallpox Tabletop – Regional Surveillance Team –5	Yanceyville		01/13/05 01/13/05	3.00
21. Introduction to ArcView (ArcGIS)	Raleigh		01/26/05 01/26/05	6.25

Board Action: A recommendation was made by Malcolm Blalock, from the Education Committee to approve the continuing education as submitted with the exception of #20 which needs a timed agenda. All votes affirmative.

Intern Requests for February 1, 2005

<u>Intern</u>	<u>County</u>	<u>Degree</u>	<u>College</u>
Karla Crowder	Davidson	BS Zoology	Ohio State
Steven Styers	Guilford	BA Biology	UNC-Greensboro
Joshua Cumbee	Brunswick	BA Env. Studies	UNC-W
Chadwick Gambill	Wilkes	BS Industrial Educ.	Appalachian

Lisa Corbitt	Mecklenburg	BA Geology/MS Geology UNC-W	
		MS Geology	East Carolina
Amber Windham	Durham	BS Animal Science	NC State
Bonnie Holt	Person	BS Env. Studies	Elon Univ.
Edwin Evans	Hertford	BS Env. Biology	Chowan
Randy Dabbs	Guilford	BA Biology	UNC-Chapel Hill
Barry E. Oldham	Jackson	BS Env. Health	Western Carolina
Mason J. Hoggard	Albemarle Reg.	BS Geology	Old Dominion
<u>Pending Transcript</u>			
Anne Loftin	Mecklenburg	BS Chemistry	UNC-Charlotte
Casey W. Fulghum	Wake	MS Env. Science	Univ. of Tenn.

Board Action: A recommendation was made by Malcolm Blalock, from the Education Committee to approve the Intern Requests and Pending Intern Requests with the exception of Joshua Cumbee, whose science hours need to be verified. All votes affirmative with the exception of Tim Green who abstain from voting on Bonnie Holt, and Mack Dendy who abstained from voting on Barry E. Oldham.

Permanent RS Approval

Tonya L. Randall – Alamance County – Date – 12/13/04
 Jeremy A. Michael, Lincoln County – Date – 12/29/04
 Trevor Vanderplaats – Pitt County – Date – 1/20/05
 Stephen Cox – Craven County – Date - 1/29/05
 Michael Merrell, II – Forsyth County – Date – 2/5/05
 Franklin M. Gardner – Cherokee County – Date – 2/17/05
 Michael C. Faircloth – Davidson County – Date – 3/10/05
 Richard S. Gragg – Nash County – Date – 4/1/05

Board Action: A motion was made by Malcolm Blalock, seconded by Terry Pierce to approve permanent Status for the interns as listed. All votes affirmative with the exception of Tim Green who abstained from voting on Tonya L. Randall, Alamance County.

Fast Track Request

A. Elizabeth Morey requesting fast track to RS based on previous work experience and meeting other requirements. Bill Dunlop requesting fast track to RS based on previous work experience and meeting other requirements.

Board Action: A recommendation was made by Malcolm Blalock, from the Education Committee, to approve the fast track request for A. Elizabeth Morey and Bill Dunlop. All votes affirmative.

Military Hardship Approval

Kenneth Ray Best, Duplin County – Orders Attached – Left in October of 03 – still in Iraq.

Board Action: A recommendation was made by Malcolm Blalock, from the Education Committee to approve Military Hardship approval for Kenneth Ray Best. All votes affirmative.

Next Meeting: February 18, 2005 at 9:00 a.m. at Wake Commons prior to the Hearing.

Next Regular Meeting – March 31, 2005 at MAHEC in Asheville – Exam – April 1, 2005 at MAHEC in Asheville.

Meeting Adjourned.

Respectfully submitted,

Approved _____

Ann Gilstrap
 Secretary/Treasurer

